

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Matti Kiik et al.

Serial. No.: 09/712,399

Filed: November 14, 2000 Gr. Art Unit: 1755

For: HEAT REFLECTIVE COATED STRUCTURAL ARTICLE

#11

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5-8-00SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

April 12, 2002

Date of Deposit

John D. Murnane

Attorney Name

29,836

PTO Reg. No.

Signature

April 12, 2002

Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449 and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application.

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This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Therefore, applicants do not believe that any fee is due in connection with the submission of this paper.

Copies of the listed documents are attached.

In accordance with 37 C.F.R. § 1.56, applicants bring to the Examiner's attention Elk's International Publication No. WO 99/00338 published on January 7, 1999 and Elk's making and selling coated structural articles in accordance with the Ahluwalia patent, U.S. Patent No. 5,965,257, in this country before November 30, 1999. The Publication is the PCT application, which claims priority to Ahluwalia U.S. Application No. 08/885,760 filed June 27, 1997, which issued as U.S. Patent No. 5,965,257 on continuation-in-part U.S. Application Serial No. 09/134,200.

The Elk articles offered for sale and sold prior to November 30, 1999 included fiberglass substrates coated with the filler/binder coating. The articles offered for sale and sold prior to November 30, 1999 were sold to G.P. Gypsum Co. in Decatur, Georgia for use as fire retardant facer for gypsum sheeting. The articles sold and offered for sale prior to November 30, 1999 were identical to the filler/binder coated articles described in Ahluwalia.

The applicants also take this opportunity to bring to the Examiner's attention three hand sheets which were prepared in Elk's laboratory in 1999. The hand sheets were sent to a company in California, Fontana Paper Mill, for evaluation on August 19, 1999 after that company had executed a Confidentiality Agreement. Copies of Elk's correspondence with the California company are provided herewith. The three samples supplied by Elk to Fontana for confidential evaluation were (1) the basic coated structural article described in Ahluwalia (2) a structural article prepared by coating a fiberglass substrate on one side with

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the Ahluwalia filler/binder coating and by coating the other side with asphalt and (3) the same product as (2) above with the asphalt covered with fines, i.e. fine mineral particles. The sheets were not sold or offered for sale by Elk prior to November 30, 1999. Rather, they were supplied in confidence to one company for evaluation prior to that date. Accordingly, applicants submit that the hand sheets are not prior art under 35 U.S.C. § 102 (b).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited document(s) do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

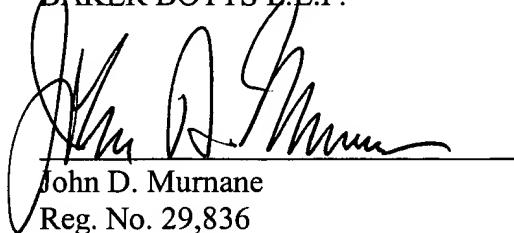
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Applicants do not believe that any fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. Duplicate copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

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Enclosures